

# EXHIBIT A

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES  
CORPORATION,

Plaintiff,

v.

GROUPON, INC.,

Defendant.

Civil Action No. 16-122-LPS-CJB

**[IBM’S PROPOSED] JUDGMENT FOLLOWING JURY VERDICT**

This action came before the Court for a trial by jury beginning on July 16, 2018. The issues have been tried and the jury rendered a verdict on July 27, 2018. The verdict was accompanied by the verdict form (D.I. 389 and 390), a copy of which is attached hereto. The verdict form (D.I. 389) was signed by the foreperson and all jurors as a unanimous verdict, and the verdict was accepted by the Court and filed by the Clerk.

Therefore,

IT IS HEREBY ORDERED AND ADJUDGED that judgment be entered in favor of Plaintiff International Business Machines Corporation (“IBM”) and against defendant Groupon, Inc. (“Groupon”) on all claims of infringement, willful infringement, validity, and damages with respect to claims 1 and 2 of U.S. Patent No. 5,796,967 (the “967 patent”), claims 1 and 8 of U.S. Patent No. 7,072,849 (the “849 patent”); and claims 51 and 54 of U.S. Patent No. 5,961,601 (the “601 patent”) and on all claims of infringement, willful infringement, validity, implied license, exhaustion, and damages with respect to claims 1 and 5 of U.S. Patent No. 7,631,346 (the “346 patent”).

IT IS HEREBY ORDERED AND ADJUDGED that judgment be entered in favor of IBM and against Groupon for damages in the amount of \$82,500,000 for Groupon's infringement of the '967, '849, '601, and '346 patents.

IT IS HEREBY ORDERED AND ADJUDGED that this Judgment shall have the effect of denying as moot all motions made by the parties pursuant to Federal Rule of Civil Procedure 50(a).

Dated: August \_\_\_\_, 2018

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Leonard P. Stark, Chief Judge

# EXHIBIT B

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES  
CORPORATION,

Plaintiff,

v.

GROUPON, INC.,

Defendant.

Civil Action No. 16-122-LPS-CJB

**[IBM'S PROPOSED] ORDER GOVERNING POST-TRIAL MOTIONS**

Having considered Plaintiff International Business Machines Corporation's ("IBM") and Defendant Groupon, Inc.'s ("Groupon") proposed schedules regarding the filing of post-trial motions and briefings;

IT IS HEREBY ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2018 that IBM's proposed schedule is GRANTED. The schedule for post-trial motions and briefings will be as follows:

<b>Event</b>	<b>Date</b>
<b>Motions Pursuant to Fed. R. Civ. P. 50(b) and Fed. R. Civ. P. 59</b>	
Groupon's post-trial motions and opening briefs	Within 28 days after entry of judgment on the jury's verdict
IBM's answering briefs in opposition to Groupon's post-trial motions	Within 21 days after filing of post-trial motions and briefs
Groupon's reply briefs in support of its post-trial motions	Within 7 days after IBM's filing of its answering briefs in opposition to Groupon's post-trial motions
<b>Motions for Attorneys' Fees, Pre-Judgment Interest, Post-Judgment Interest, Supplemental Damages/Accounting, Enhanced, Treble Damages, and Ongoing Royalties</b>	
IBM's motion for entitlement to attorneys' fees, and motions for prejudgment interest, post-judgment interest, supplemental damages/accounting, enhanced damages, and ongoing royalties	Within 28 days after entry of judgment on the jury's verdict

Groupon's answering briefs in opposition to IBM's motions	Within 21 days after filing of IBM's post-trial motions and briefs
IBM's reply briefs in support of its motions	Within 7 days after Groupon's filing of its answering briefs in opposition to IBM's post-trial motions
<b>IBM's Motion for Costs Pursuant to Fed. R. Civ. P. 54 and D. Del. LR 54.1</b>	
IBM's motion for costs	Within 14 days after the time for appeal has expired or within 14 days after the issuance of the mandate of the appellate court

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Leonard P. Stark, Chief Judge

# EXHIBIT C

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES  
CORPORATION,

Plaintiff,

v.

GROUPON, INC.,

Defendant.

Civil Action No. 16-122-LPS-CJB

**[PROPOSED] INTERIM NON-FINAL JUDGMENT FOLLOWING JURY VERDICT**

This action came before the Court for a trial by jury beginning on July 16, 2018. The issues have been tried and the jury rendered a verdict on July 27, 2018. The verdict was accompanied by the verdict form (D.I. 389 and 390), a copy of which is attached hereto. The verdict form (D.I. 389) was signed by the foreperson and all jurors as a unanimous verdict, and the verdict was accepted by the Court and filed by the Clerk.

Therefore,

IT IS HEREBY ORDERED AND ADJUDGED that interim judgment be entered in favor of Plaintiff International Business Machines Corporation (“IBM”) and against defendant Groupon, Inc. (“Groupon”) in accordance with the jury verdict.

IT IS FURTHER ORDERED that this Judgment shall not constitute a final judgment under Federal Rule of Civil Procedure 58, is subject to modification following the Court’s resolution of the parties’ anticipated post-trial motions.

Dated: August \_\_\_\_, 2018



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Leonard P. Stark, Chief Judge

# EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTERNATIONAL BUSINESS MACHINES  
CORPORATION,

Plaintiff,

v.

GROUPON, INC.,

Defendant.

Civil Action No. 16-122-LPS-CJB

**[PROPOSED] ORDER GOVERNING POST-TRIAL MOTIONS**

Having considered Plaintiff International Business Machines Corporation's ("IBM") and Defendant Groupon, Inc.'s ("Groupon") proposed schedules regarding the filing of post-trial motions and briefings;

IT IS HEREBY ORDERED, this \_\_\_\_ day of \_\_\_\_\_, 2018 that Groupon's proposed schedule is GRANTED. The schedule for post-trial motions and briefings will be as follows:

<b>Event</b>	<b>Date</b>
<b>Motions Pursuant to Fed. R. Civ. P. 50(b), 59, and 60</b>	
Groupon's post-trial motions and opening briefs	October 12, 2018
IBM's answering briefs in opposition to Groupon's post-trial motions	November 16, 2018
Groupon's reply briefs in support of its post-trial motions	December 14, 2018
<b>IBM's Motions</b>	
IBM's motion for entitlement to attorneys' fees, and motions for prejudgment interest, post-judgment interest, supplemental damages/accounting, enhanced damages, and ongoing royalties	October 12, 2018
Groupon's answering briefs in opposition to IBM's motions	November 16, 2018

IBM's reply briefs in support of its motions	December 14, 2018
<b>IBM's Motion for Costs Pursuant to Fed. R. Civ. P. 54 and D. Del. LR 54.1</b>	
IBM's motion for costs	Within 14 days after the time for appeal has expired or within 14 days after the issuance of the mandate of the appellate court

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Leonard P. Stark, Chief Judge